

REMARKS

Claims 20-31 are pending and stand ready for further action on the merits.

Double Patenting

Claims 20-31 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of Hoshino et al., USP 6,376,046 (hereinafter the '046 patent) in view of Yokosuka et al., USP 6,117,830 (hereinafter the '830 patent). Applicants respectfully traverse the rejection.

Applicants respectfully submit that the presently claimed invention is not obvious over the claims of the '046 patent and the '830 patent; however, in order to advance prosecution, Applicants enclose herewith a Terminal Disclaimer over the '046 patent. As such the rejection is rendered moot.

The filing of the enclosed Terminal Disclaimer simply serves the statutory function of removing the rejection of obviousness-type double patenting, and does not raise a presumption on the merits of the rejection.

Conclusion

In view of the above-amendments and comments, Applicants respectfully submit that the claims are in condition for allowance. A notice to such effect is earnestly solicited.

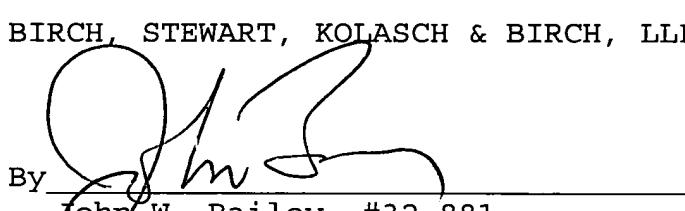
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq., (Reg. No. 43,575) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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